

In The Indiana Supreme Court

CASE NUMBER

ORDER AMENDING RULES OF PROFESSIONAL CONDUCT

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and in furtherance of this Court's constitutional authority relating to matters of professional discipline, Professional Conduct Rule 1.5 of the *Rules of Professional Conduct* is amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

RULES OF PROFESSIONAL CONDUCT

...

Rule 1.15. Safekeeping Property

...

(g) Every lawyer admitted to practice in this State shall annually certify to this Court, pursuant to Ind.Admis. Disc. R. 23(21), that all client funds which are nominal in amount or to be held for a short period of time by the lawyer or the lawyer's law firm so that they could not earn income for the client in excess of the costs incurred to secure such income are held in an IOLTA account, or that the lawyer is exempt because:

(1) the lawyer or law firm's client trust account has been exempted and removed from the IOLTA program by the Foundation pursuant to subparagraph (f)(7) of this rule; or

(2) the lawyer:

(A) is not engaged in the private practice of law;

(B) is not engaged in the private practice of law in Indiana that involves holding client or third party funds in trust;

(BC) does not have an office within the State of Indiana;

(~~C~~D) is a judge, attorney general, public defender, U.S. attorney, district attorney, on duty with the armed services or employed by a local, state or federal government, and is not otherwise engaged in the private practice of law;

(~~D~~E) is a corporate counsel or teacher of law and is not otherwise engaged in the private practice of law;

(~~E~~F) has been exempted by an order of general or special application of this Court which is cited in the certification; or

(~~F~~G) compliance with paragraph (f) would work an undue hardship on the lawyer or would be extremely impractical, based either on the geographic distance between the lawyer's principal office and the closest depository institution which is participating in the IOLTA program, or on other compelling and necessitous factors.

...

This amendment shall take effect January 1, 2007.

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and the West Group.

The West Group is directed to publish this Order in the advance sheets of this Court.

The Clerks of the circuit court are directed to send a copy of this order to all the judges, including any city, town, and small claims court judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this _____ day of August, 2006.

Randall T. Shepard
Chief Justice of Indiana

All Justices concur.